

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

IN THE MATTER OF:

JACKSON CERAMIX SITE

Misc. No. 22-1254

Property adjoining: Clearfield County, Pennsylvania
Parcels Nos. A02-34 and A02-42 and Jefferson County,
Pennsylvania Parcel Nos. 10-001-0301G, 10-001-0100A,
and 40-369

UNITED STATES' EX PARTE APPLICATION FOR ADMINISTRATIVE WARRANT

The United States of America, by and through undersigned counsel, on behalf of the United States Environmental Protection Agency (“EPA”), hereby applies *ex parte* for a civil administrative access warrant pursuant to Section 104(e) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended (“CERCLA”), 42 U.S.C. § 9604(e). The United States seeks an administrative warrant authorizing EPA and its authorized representatives to gain access to an unidentified parcel known to the United States as part of the Jackson Ceramix Superfund Site in Falls Creek, Jefferson and Clearfield Counties, Pennsylvania, and surrounded by Clearfield County, Pennsylvania Parcel Nos. A02-34 and A02-42, and Jefferson County, Pennsylvania Parcel Nos. 10-001-0301G, 10-001-0100A and 40-369 (“Property”), for a period of ninety (90) days from the date on which the warrant is issued in order to allow EPA to enter, inspect, and perform sampling work pursuant to CERCLA, 42 U.S.C. §§ 9601-9675.

By this Application, the United States requests authority to enter onto, move about, and remain on the Property so that EPA and its authorized representatives can undertake response actions pursuant to Section 104(e) of CERCLA, 42 U.S.C. § 9406(e), as follows:

- a. Perform inspections and conduct sampling using hand tools, such as a hand-held auger;
- b. Inspect and obtain samples and analysis within the Property including, without limitation, the following environmental media: surface soil, subsurface soil, and surface water; and
- c. Perform response actions at the Property in such a manner as EPA and its authorized representatives deem appropriate for carrying out statutory responsibilities under CERCLA.

EPA estimates that the inspection and sampling work for which this warrant is requested can be accomplished over a period of twenty-one (21) days within ninety (90) days from the date access is obtained. Should EPA require more than ninety (90) days to conduct the work authorized in the warrant, the United States will return to this Court to seek an extension of the warrant.

As detailed in the Declaration of Katherine Mishkin, attached to this Application as Exhibit A (“Mishkin Declaration”), EPA used its best efforts to identify the landowner of the Property and gain consent for access. Despite these efforts, and as set forth in the Mishkin Declaration, EPA was unable to identify the owner of the Property.

In support of this Application, the United States submits the attached Memorandum of Law in Support of the United States’ *Ex Parte* Application for Administrative Warrant, the Mishkin Declaration, and a proposed Administrative Warrant for Entry upon Property.

Respectfully Submitted,

CINDY K. CHUNG
United States Attorney

/s/ Jacqueline Brown _____

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